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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/645,592 | 08/22/2003 | Hans Brandl | 21338 | 9474 |

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EXAMINER

WILLIAMS, THOMAS J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3683

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,592

Applicant(s)

BRANDL, HANS

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau. (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 8, 10 and 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 7, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 9, 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,157,396 to Long, Jr.

Re-claim 1, Long, Jr. discloses an air spring having a rolling bellows 40, a roll down tube 25, a roll down surface of the rolling bellows comes into contact with a contact surface of the roll down tube, the contact surface of the roll down tube is a spring element 28.

Re-claims 2-7, the contact surface 28 takes the form of the exterior of the roll down tube 26, the roll down surface is in the form of the exterior of the rolling bellows; the spring operates in a radial direction; the spring is mounted on a base element of the tube; the spring is detachably connected to the base element; the base element has a recess 26; the spring element is made from an elastomer or rubber.

Re-claims 9, 10, 12 and 13, the base element is connected to a base 22; the exterior of the base is covered in its entirety by the spring element; the spring element operates in a radial direction; the base element has a recess 26 in which the spring element is positively locked, see column 2 lines 2-4.

7. Claims 1-7, 9, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2,988,353 to Dietrich.

Re-claim 1, Dietrich discloses an air spring having a rolling bellows 30, a roll down tube 20, a roll down surface of the rolling bellows comes into contact with a contact surface of the roll down tube, the contact surface of the roll down tube is a spring element 38.

Re-claims 2-7, the contact surface takes the form of the exterior of the roll down tube 20, the roll down surface is in the form of the exterior of the rolling bellows; the spring operates in a

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radial direction (column 2 lines 23-25); the spring is mounted on a base element of the tube; the spring is detachably connected to the base element; the base element has a recess 36; the spring element is made from an elastomer or rubber.

Re-claims 9, 12 and 13, the base element is connected to a base 28; the spring element operates in a radial direction; the base element has a recess 36 in which the spring element is positively locked.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long, Jr. in view of DE 100 04 122 to Pradel.

Re-claims 8 and 11, Long, Jr. fails to teach the spring element 28 having either grooves or a drainage feature. Pradel teaches an air spring having sheath between the base element and the bellows, wherein the sheath has grooves acting as a drainage feature. It would have been obvious to one of ordinary skill in the art to have provided the spring element of Long, Jr. with grooves for acting as a drainage feature as taught by Pradel, thus preventing corrosion due to a formation of water between the bellows and base element. The corrosion reduction feature is taught by Pradel.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gubitz and Crabtree et al. each teach an air spring with a spring element attached to the rolldown tube. DE 100 60 824 teaches a base element with grooves.

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

March 10, 2004

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams

AV 2683

3-10-04